

### **Section III-I.1: Assisted Living Residences**

- 1. Purpose and Intent:** To provide a residential environment that offers supportive services to individuals 55 years of age or older who are unable to live independently in the community by offering supervision and/or assistance with basic activities of daily life.
- 2. Applicability:** The Planning Board, acting as Special Permit Granting Authority (SPGA), may grant a Special Permit/Site Plan Approval in accordance with Section VI-DD and VI-EE of these by-laws, for the construction of an Assisted Living Residence (ALR).
- 3. Allowed Uses:** The SPGA, as hereinafter provided, may grant a Special Permit/Site Plan Approval pursuant to the provisions of this By-Law, under the following standards and requirements:
  - a. An Assisted Living Residence (ALR) shall provide residences of no more than two bedrooms each exclusively to meet the needs of seniors and the elderly together with their spouses, surviving spouses, and resident staff.
  - b. Such facility may include common areas and community dining facilities, and may provide personal care services, activities of assistance with daily living, and other related programs and services. This may include, but is not strictly limited to, meal care services, beauty salon, sundry shop, and banking and recreational facilities. Space designated for accessory uses may not exceed ten (10) percent of total floor area.
  - c. At the time of application, the Applicant must demonstrate to the satisfaction of the SPGA the feasibility of future conversion of the facility to a use permitted for the zoning district.
  - d. The SPGA, in order to approve the Special Permit/Site Plan Approval for an ALR, must find that the overall impact of the facility will not substantially derogate from the cumulative impact associated with other uses allowed as a matter of right or by special permit within the zoning district.
- 4. Procedures:** The procedures to be followed in obtaining approval for an Assisted Living Residence (ALR) are:
  - a. Special Permit Granting Authority: The Planning Board shall act as the Special Permit Granting Authority (SPGA) for uses administered under Section III-I of the Zoning By-Laws.
  - b. Pre-application: The Applicant is encouraged to meet with the Community Development Director and the SPGA prior to the preparation of a formal application, for general discussion of the project to be proposed.
  - c. Formal application: The Applicant shall submit a plan for the overall development, including a final site plan showing the final completed

development in all phases as contemplated on the site at the time of application, regardless of the number of phases in which it may be constructed. Said application shall include at a minimum a completely designed first phase of development. The application shall be filed in the name of the Applicant. The Applicant must either own or submit authorization in writing to act for all of the owners of the ALR parcel prior to submitting a formal application. The application for a Special Permit/Site Plan Approval shall be filed by the applicant with the Town Clerk and a copy of said application, including the date and time of filing certified by the Town Clerk, shall be filed by the applicant with the SPGA.

- d. Further procedures: Once a Special Permit/Site Plan Approval is issued, no changes to the final site plan, exclusive of minor modifications as determined by the SPGA, shall be made without applying for a modification of such Special Permit/Site Plan Approval in the manner set forth in Section VI-DD.
5. **Number of Living Units**: The number of living units allowed in an ALR shall not exceed 30 living units per acre (43,560 s.f.), subject to the requirements of Section 6 and the grant of a Special Permit/Site Plan Approval by the SPGA.
6. **Intensity Regulations**: The Assisted Living Residence (ALR) is subject to the intensity regulations pertinent to its zoning district, as set forth in Section IV-B
7. **Preserved Open Space**: It is desirable that open space that is created for use in conjunction with the facility is retained as a visual amenity for neighbors and to residents of the Town.
8. **Affordability Requirements**: Unless a determination has been made satisfactory to the SPGA that the living units of the ALR do not affect the Town's Statutory Minima or the Town's Computation of Statutory Minima as defined and/or set forth in 760 CMR 56 and as maintained by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), the Applicant shall be subject to and comply with all provisions of Section V-J of this by-law. (Art. 52, F.T.M. 10/17/17) (Art. 32, Fall TM 10/16/18)

**Modifications and Waivers**: The SPGA may modify and/or waive strict compliance with one or more of these requirements, regulations, and objectives set forth in this Section, in accordance with Section V-E. (Art. 37, Spring ATM, 4/11/2017)

(Art. 44, Spring ATM, 4/27/10)

### **Section III-I.2. : Independent Senior Living Overlay Option Plan**

2.1. Purpose. The purpose of an ISLOOP is to provide for the creation of Independent Senior Living Facilities to meet the needs of a senior population (age 62 and over) and to provide an alternative development option for parcels in residential single zones which are subject to ISLOOP Overlay Zoning by enabling Independent Senior Living Facilities ("ISLF") which provide a residential environment that may offer services and/or amenities to individuals 62 years of age or older who are able to live independently in a supportive elderly environment. The goal of the ISLOOP includes the creation of ISLF's which are located in close proximity to the other facilities in the Town which provide services to the senior population.

2.2. Applicability and Eligibility. The Special Permit Granting Authority (SPGA), may grant a special permit in accordance with Sections VI-DD, VI-EE, and this ISLOOP section for the construction of an Independent Senior Living Facility in an ISLOOP eligible zone. To be eligible to be placed in an ISLOOP, a parcel must satisfy the following criteria:

i) have at least 50,000 square feet and no more than 150,000 square feet of Net Usable Land Area, and

ii) located to:

a. have continuous frontage located within 400 feet of an AP District on the same side of the street as the AP District, not be within 800 feet of a Smart Growth Overlay (SGO) zone, and not be within 200 feet of a Commercial II (C-II) zone or

b. (Reserved For future Eligibility Criteria for Other Locations)

and

iii) have a lot depth of at least 220 feet measured from the shortest distance measured along the side lot lines from the lot front and lot rear property lines.

Net Usable Land Area as used herein shall mean the area within the parcel to be used for the ISLF Development in accordance with this Section remaining after subtracting the areas of any bodies of water, wetland, or land lying within the 100 year flood elevation from the gross area of the parcel to be used for Elderly Family residential use and open space. The flood plain and wetlands maps and aerial surveys adopted as official maps by the Planning Board from time to time shall be used to determine areas of water, 100-year flood plain elevations, and wetland boundaries. Notwithstanding the foregoing, the calculation of Net Usable Land Area shall be subject to a maximum limit not to exceed 80% of overall parcel size inclusive of the areas of any bodies of water, wetland, or land lying within the 100 year flood elevation. For the purposes of this paragraph, wetlands shall not include any area that was created or converted into a wetland by human activity including without limitation Federal, State or municipal improvements.

Net Usable Land Area may include any area of a parcel that is zoned Residential Single.

### 2.3 Allowed Uses

All of the uses allowed in the underlying zoning district shall continue to be allowed within the ISLOOP. All of the regulations applicable to the underlying zoning district shall continue to apply in the ISLOOP except to the extent that they are specifically modified or supplemented by other applicable provisions of the ISLOOP.

Elderly Family Residences and Independent Senior Living Facilities shall be allowed by Special Permit in the ISLOOP.

2.4 Standards. The SPGA may grant a Special Permit and approval under Site Plan Review under the procedures and criteria established in MGL 40 A, the Special Permit and Site Plan Review sections of this by-law and the following standards and requirements:

1. The ISLF shall provide residences (living units) of no more than two bedrooms each exclusively to meet the needs of seniors in Elderly Family Residence dwelling units.
2. Such facility may include common areas and community dining facilities. Such facility may also provide accessory personal care services, activities for residents, and other related programs and services. These accessory uses shall be for residents, their guests and staff only and may include, but are not strictly limited to, meals, personal care services, beauty salon, sundry shop, and banking and recreational facilities. Space designated for accessory uses may not exceed ten (10) percent of total floor area.
3. The SPGA, in order to approve the special permit application, must find that the overall impact of the facility will not substantially derogate from the cumulative impact associated with other uses allowed as a matter of right or by special permit within the zoning district. In addition, the SPGA, in order to approve the site plan review application, must find that: i) all noise, smoke, dust, odor, vibration and similar objectionable features are confined to the premises, ii) mechanical equipment (including equipment and containers such as, but not limited to, waste disposal, recycling and energy generation) are screened, if necessary, in a manner to shield visual impacts; iii) lighting is shielded in a manner consistent with Section V-I of this By-Law to reduce light trespass onto abutting properties or waterways; iv) paint colors and tones of materials be muted and not create visual distraction; v) design standards be consistent with a) the general neighborhood, b) prevalent streetscape, c) nearby historic districts, if any, within 300 feet of the property, and sighting shall reduce disruption of the topography of the neighborhood and d) barrier free design criteria; vi) buffers of native evergreen trees and other plants shall be planted, maintained and replaced when necessary to screen the facility from adjacent residential buildings; vii) parking, access and buffers are placed in a manner to separate or to screen parking areas from abutting properties to prevent

imposition on or use of parking on abutting properties; viii) all utilities, wire, and cable service are placed underground.

4. As part of the Special Permit process, the SPGA shall require a covenant, consistent with the requirements of MGL Ch. 184 s. 26, to be recorded at the registry of deeds restricting the units in the ISLF to be available to and occupied by only persons specified within the requirements of the definition of Elderly Family Residences.

2.5. Intensity Regulations: Any building erected pursuant to the provisions of this ISLOOP district shall be subject to the following intensity regulations and requirements:

1. Maximum Unit Density: The number of units allowed in the ISLF shall be equal to the Net Usable Land Area divided by 2,100 rounded to the nearest whole number.
2. Maximum Building Height: 2 and ½ stories or 35 feet
3. Minimum Setbacks:
  - a. Front yard setback: 40 feet
  - b. Rear yard setback: 40 feet
  - c. Side yard: 30 feet
4. Maximum Building Coverage: 25% of Net Usable Land Area
5. Width and Additional Setbacks: Notwithstanding any other provision to the contrary, no new building shall be permitted on any portion of a parcel having a width less than one half of the square root of the Net Usable Land Area. Both the main entrance to the building and a minimum of 40% of the width of the building, as measured across the front yard, shall be located at least 80 feet back from the front line of the parcel.
6. Minimum Open Space: 35% of land area exclusive of any permanent body of water but inclusive of wetlands
7. Minimum Parking: One space per unit
8. Minimum Continuous Frontage: 120 feet
9. Sky Exposure Plane: The roof of the building may not project beyond a sky exposure plane determined from a line 10 feet in from and parallel to the lot frontage line in a rise:run ratio of 0.50:1.00

2.6 Affordability Requirements: The Applicant shall make provisions for affordable housing by complying with all the requirements of Section V-J. The provisions of this section may be satisfied, at the option of the Applicant, by providing for the maintenance and monitoring of a 10% affordability requirement of the total units in an ISLF instead of the designation and restriction of particular specific units within an ISLF if such ISLF is composed entirely of rental units. (Art. 32, Fall TM 10/16/18)

2.7 Procedures. In addition to the process set forth in sections VI-DD and VI-EE, the following procedures are to be followed in obtaining approval for an ISLF:

1. Pre-application: The Applicant is encouraged to meet with the Director of Community and Economic Development and the SPGA prior to the preparation of a formal application, for general discussion of the project to be proposed.
2. Formal application: The Applicant shall submit a plan for the overall development, including a final site plan showing the final completed development in all phases as contemplated on the site at the time of application, regardless of the number of phases in which it may be constructed. Said application shall include, at a minimum, a completely designed first phase of development. The application shall be filed in the name of the Applicant. The Applicant must either own or submit authorization in writing to act for all of the owners of the ISLOOP parcel prior to submitting a formal application. The application for a special permit shall be filed by the Applicant with the Town Clerk and a copy of said application, including the date and time of filing certified by the Town Clerk, shall be filed by the applicant with the SPGA.
3. Further procedures: Once a special permit is issued, no changes to the final site plan, exclusive of minor modifications as determined by the SPGA, shall be made without applying for a modification of such special permit.

## 2.8 Bonus Density and Open Space Public Benefit Amenities

Notwithstanding anything else to the contrary, the SPGA may grant additional density or intensity if the Applicant provides an Open Space Public Benefit Amenity in the form of 1) public trails, 2) trails or walkways which create additional access to existing municipal facilities or 3) public parks. Public parks shall not be less than i) 100 feet in minimum width and ii) 10,000 square feet in Net Usable Land Area. For the purposes of this section, an Open Space Benefit Amenity obtained or granted under this section may, at the discretion of the SPGA, permit the ISLF to provide transportation services for ISLF residents, by the use of an electric motorized golf cart type conveyance on the portion of public trails and/or walkways located on the parcel. The maximum increase in density allowable shall be the number of units calculated as the land area in square feet of the Open Space Public Benefit Amenity divided by 800 rounded to the nearest whole number. Any Open Space Public Benefit Amenity shall not be considered when measuring setbacks.

## 2.9 Modifications and Waivers

The SPGA may modify and/or waive strict compliance with one or more of these requirements, regulations, and objectives set forth in this Section, in accordance with Section V-E. (Art. 41, Spring ATM, 4/11/2017)

### **Section III-I.3: Assisted Living Overlay Option Plan**

**2.1. Purpose** The purpose of the ALOOP is to provide for the creation of Assisted Living Residences (ALRs) as defined in and in compliance with the rules, regulations and requirements of MGL c. 19D and 651 CMR 12.00. Accordingly, ALRs in Natick's ALOOP districts shall comply with the Executive Office of Elder Affairs (EOEA) guidance: that ALRs are an important part of the spectrum of living alternatives for the elderly in the Commonwealth; that they should be operated and regulated as residential environments with supportive services and not as medical or nursing facilities; and that they should support the goal of aging in place through services, available either directly or through contract or agreement, to compensate for the physical or cognitive impairment of the individual while maximizing his or her dignity and independence. ALOOP Overlay Zoning will enhance the Town of Natick's ability to improve the quality of life for its growing senior population in an ALR environment that fosters interdependence, community access, and resident empowerment. As such, ALOOP districts should have access to public transportation, emergency services, public parks and walking trails, cultural, educational, and recreational opportunities, and other community service and involvement opportunities.

#### **2.2. Applicability and Eligibility**

The provisions of this Section III-I.3 may be utilized on any land located within the ALOOP districts, subject to the requirements and standards set forth in this section. All regulations of the underlying zoning districts shall apply within the ALOOP districts, except to the extent that they are specifically modified or supplemented by regulations set forth in this Section III-I.3. Where the requirements and standards within the ALOOP district, as set forth in this Section, differ from or conflict with applicable requirements and standards set forth elsewhere in this By-Law, the requirements and standards established for the ALOOP district shall control.

ALRs shall be allowed by Special Permit in the ALOOP.

#### **2.3 Net Usable Land Area**

Net Usable Land Area as used herein shall mean the area within the parcel to be used for the ALR Development in accordance with this Section remaining after subtracting the areas of any bodies of water, wetland, or land lying within the 100 year flood elevation from the gross area of the parcel to be used for ALRs. The flood plain and wetlands maps and aerial surveys adopted as official maps by the Planning Board from time to time shall be used to determine areas of water, 100-year flood plain elevations, and wetland boundaries. Notwithstanding the foregoing, the Net Usable Land Area shall not exceed 80% of the overall parcel size inclusive of the areas of any bodies of water, wetlands, or land lying within the 100-year flood elevation. For the purposes of calculating Net Usable Land Area and notwithstanding any provision of law to the contrary, wetlands shall not include any area that was created or converted into a wetland by human activity including without limitation Federal, State, or Municipal improvements.

## **2.4 Waivers & Modifications**

The SPGA is authorized to grant modifications and/or waivers from strict compliance with the provisions of this ALOOP in connection with Site Plan Review and/or Special Permits subject to the permissions, criteria, limitations, restrictions, and prohibitions of Section V-E of the Zoning Bylaw.

## **2.5 Intensity Regulations for the ALOOP Districts**

<b>Maximum Unit Density:</b>	The number of living units allowed in an ALOOP shall be equal to the living Net Useable Land Area divided by 1,600 rounded to the nearest whole number.
<b>Minimum lot area</b>	100,000 square feet
<b>Minimum frontage</b>	two times the frontage required in the underlying zoning district
<b>Minimum front yard setback</b>	40 feet
<b>Minimum side-yard setback</b>	two times the setback required in the underlying zoning district
<b>Minimum rear-yard setback</b>	two times the setback required in the underlying zoning district
<b>Minimum lot depth</b>	two times the depth required in the underlying zoning district
<b>Maximum building height</b>	the lesser of 3 stories or 35 feet
<b>Minimum Open Space</b>	35% of land area exclusive of any permanent body of water but inclusive of wetlands.

## **2.6 Standards**

The SPGA may grant a Special Permit and approval under Site Plan Review under the procedures and criteria established in MGL 40A, Section VI- DD 2-A Special Permits and Section VI-DD-2B Site Plan Review sections of this Bylaw, and the following standards and requirements.

1. The ALR shall provide residences (living units) of no more than two bedrooms each exclusively to meet the needs of seniors and the elderly who reside therein.
2. Such facility may include common areas and community dining facilities. Such facility may also provide accessory personal care services, assistance with activities of daily living, and other related programs and services. These accessory uses shall be for residents, their guests, and staff only and may include, but are not strictly limited to, meal care services, beauty salon, sundry shop, banking and recreational facilities. Space designated for accessory uses may not exceed ten (10) percent of total floor area.
3. The SPGA, in order to approve the special permit application, must find that the overall impact of the facility will not substantially derogate from the cumulative impact associated with other uses allowed as a matter of right or by special permit within the zoning district. In addition, the SPGA, in order to approve the site plan review application, must find that: i) all noise, smoke, dust, odor, vibration and similar objectionable features are confined to the premises, ii)



mechanical equipment (including equipment and containers such as, but not limited to, waste disposal, roof top and ground mounted HVAC units, recycling and energy generation) is screened, if necessary, in a manner to shield visual impacts; iii) lighting is shielded in a manner consistent with Section V-I of this By-Law to reduce light trespass onto abutting properties or waterways; iv) paint colors and tones of materials be muted and not create visual distraction; v) design standards be consistent with a) the general neighborhood, b) prevalent streetscape, c) nearby historic districts, if any, within 300 feet of the property, and sighting shall reduce disruption of the topography of the neighborhood and d) barrier free design criteria; vi) buffers of native evergreen trees and other plants shall be planted, maintained and replaced when necessary to screen the facility from adjacent residential buildings; vii) parking, access and buffers are placed in a manner to separate or to screen parking areas from abutting properties to prevent imposition on or use of parking on abutting properties; viii) all utilities, wire, and cable service are placed underground.

## **2.7 Affordability Requirements:**

Unless a determination has been made satisfactory to the SPGA that the living units of the ALR do not affect the Town's Statutory Minima or the Town's Computation of Statutory Minima as defined and/or set forth in 760 CMR 56 and as maintained by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), the Applicant shall make provisions for affordable housing by providing that ten (10) percent of all dwelling units, rounded to the next highest whole unit number, within an ALOOP shall be Affordable Housing units.

## **2.8 Procedures.**

In addition to the process set forth in Sections VI-DD 2A and VI-DD 2B, the following procedures are to be followed in obtaining approval for an ALR:

1. Pre-application: The Applicant is encouraged to meet with the Director of Community and Economic Development and the SPGA prior to the preparation of a formal application, for general discussion of the project to be proposed.
2. Formal application: The Applicant shall submit a plan for the overall development, including a final site plan showing the final completed development in all phases as contemplated on the site at the time of application, regardless of the number of phases in which it may be constructed. Said application shall include, at a minimum, a completely designed first phase of development. The application shall be filed in the name of the Applicant. The Applicant must either own or submit authorization in writing to act for all of the owners of the ALOOP parcel prior to submitting a formal application. The application for a special permit shall be filed by the Applicant with the Town Clerk and a copy of said application, including the date and time of filing certified by the Town Clerk, shall be filed by the applicant with the SPGA.

3. Further procedures: Once a special permit is issued, no changes to the final site plan, exclusive of minor modifications as determined by the SPGA, shall be made without applying for a modification of such special permit.

Art. 34, Spring ATM, 4/10/18)